

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jeffrey C. Killian
Angelic M. Killian
fka Angelic M. Serena
Debtor(s)

Bankruptcy Case No.: 18-23585-CMB
Issued Per Jan. 10, 2019 Proceeding
Chapter: 13
Docket No.: 32 - 19
Concil. Conf.: May 2, 2019 at 11:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 16, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on May 2, 2019 at 11:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.


B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 14, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jeffrey C. Killian
 Angelic M. Killian
 Debtors

Case No. 18-23585-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 3
 Total Noticed: 37

Date Rcvd: Jan 14, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 16, 2019.

db/jdb
 cr +Jeffrey C. Killian, Angelic M. Killian, 504 E. Second Ave., Tarentum, PA 15084-1902
 +Carrington Mortgage Services, LLC as servicer for, 1600 South Douglass Road, Suite 200-A, Anaheim, CA 92806-5951
 cr +Dep't of Revenue Office of Attorney General, Anthony T. Kovalchick, 1251 Waterfront Place, Mezzanine Level, Pittsburgh, PA 15222-4227
 14912533 Alle-Kiski Employees FCU, c/o Alle-Kiski Medical Center, 1 Carlise Dr., Natrona Heights, PA 15065
 14931097 +Allegheny Valley Hospital Federal Credit Union, 1301 Carlisle Street, Natrona Heights, PA 15065-1152
 14912535 +Borough of Tarentum, c/o Karen Marietti, Tax Collector, 318 Second Ave., Tarentum, PA 15084-1835
 14912536 +CACH LLC/Resurgent Capital Services, PO Box 1269, Greenville, SC 29602-1269
 14948728 CACH, LLC its successors and assigns as assignee, of General Electric Capital Corporation, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14912537 +Carrington Mortgage Services, PO Box 3010, Anaheim, CA 92803-3010
 14951015 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 14912538 #Comcast Business, P.O. Box 3002, Southeastern, PA 19398-3002
 14912542 +EMP of Alle-Kiski, LTD, c/o Nationwide Recovery Systems, 2304 Tarpley, Suite 134, Carrollton, TX 75006-2470
 14912543 First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145
 14912547 +Kays Jewelers, PO BOX 4485, Beaverton, OR 97076-4485
 14912548 +Keystone Collection Group, 546 Wendel Road, Irwin, PA 15642-7539
 14912552 +Mariner Finance, 8211 Towne Center Dr., Nottingham, MD 21236-5904
 14931942 +Mariner Finance, LLC, 8211 Town Center Dr., Nottingham, MD 21236-5904
 14942651 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14942686 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14912555 Verizon, 500 Technology Drive, Suite 550, Water Springs, MO 66304
 14912556 +Victoria Secret/Comenity Bank, PO Box 182709, Columbus, OH 43218-2709

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14948140 E-mail/PDF: resurgentbknofications@resurgent.com Jan 15 2019 03:06:27
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory, Corporation of America Holdings, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14912534 +E-mail/Text: bk@avant.com Jan 15 2019 03:03:14 Avant, 222 N. LaSalle Street, Suite 1700, Chicago, IL 60601-1101
 14943209 E-mail/PDF: resurgentbknofications@resurgent.com Jan 15 2019 03:06:28
 CVI SGP-CO Acquisition Trust, c/o Resurgent Capital Services, PO BOX 10587, Greenville, SC 29603-0587
 14912539 E-mail/PDF: creditonebknofications@resurgent.com Jan 15 2019 03:06:26 Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
 14912544 +E-mail/Text: dhowells@goldenrams.com Jan 15 2019 03:02:26 Highlands School District, PO Box 288, Natrona Heights, PA 15065-0288
 14912545 E-mail/Text: cio.bncmail@irs.gov Jan 15 2019 03:02:33 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14912546 +E-mail/PDF: gecsed@recoverycorp.com Jan 15 2019 03:59:17 JC Penny Company, c/o Synchrony Bank, P.O. Box 965007, Orlando, FL 32896-5007
 14947338 E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 15 2019 03:03:04 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
 14912551 E-mail/Text: bklcard@lendup.com Jan 15 2019 03:03:18 Lendup Card Services, 225 Bush Street, Suite 1100, San Francisco, CA 94104
 14948125 E-mail/PDF: resurgentbknofications@resurgent.com Jan 15 2019 03:06:26
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and, FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14912550 +E-mail/Text: bkrpt@retrievalmasters.com Jan 15 2019 03:02:54
 Laboratory Corporation of America, c/o American Medical Collection Agency, 4 Westchester Plaza, Elmsford, NY 10523-1612
 14912553 +E-mail/Text: bkr@cardworks.com Jan 15 2019 03:02:23 Merrick Bank, P.O. Box 9201, Old Bethpage, NY 11804-9001
 14913241 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 15 2019 03:06:23
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14912554 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jan 15 2019 03:02:49
 Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946, Harrisburg, PA 17128-0946
 14934859 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 15 2019 03:03:04 Premier Bankcard, LLC, Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 14951578 +E-mail/Text: bncmail@w-legal.com Jan 15 2019 03:03:01 SYNCHRONY BANK, c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132

TOTAL: 16

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 37

Date Rcvd: Jan 14, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr*
14931923* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
Alle-Kiski Employees FCU, c/o Alle-Kiski Medical Center, 1 Carlise Dr.,
Natrona Heights, PA 15065
14931924* +Avant, 222 N. LaSalle Street, Suite 1700, Chicago, IL 60601-1101
14931925* +Borough of Tarentum, c/o Karen Marietti, Tax Collector, 318 Second Ave.,
Tarentum, PA 15084-1835
14931926* +CACH LLC/Resurgent Capital Services, PO Box 1269, Greenville, SC 29602-1269
14931927* +Carrington Mortgage Services, PO Box 3010, Anaheim, CA 92803-3010
14931928* Comcast Business, P.O. Box 3002, Southeastern, PA 19398-3002
14912540* Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14912541* Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14931929* Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14931930* Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14931931* Credit One Bank, P.O. Box 98872, Las Vegas, NV 89193-8872
14931932* +EMP of Alle-Kiski, LTD, c/o Nationwide Recovery Systems, 2304 Tarpley, Suite 134,
Carrollton, TX 75006-2470
14931933* First Premier Bank, 3820 North Louise Avenue, Sioux Falls, SD 57107-0145
14931934* +Highlands School District, PO Box 288, Natrona Heights, PA 15065-0288
14931935* Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
14931936* +JC Penny Company, c/o Synchrony Bank, P.O. Box 965007, Orlando, FL 32896-5007
14931937* +Kays Jewelers, PO BOX 4485, Beaverton, OR 97076-4485
14912549* +Keystone Collection Group, 546 Wendel Road, Irwin, PA 15642-7539
14931938* +Keystone Collection Group, 546 Wendel Road, Irwin, PA 15642-7539
14931939* +Keystone Collection Group, 546 Wendel Road, Irwin, PA 15642-7539
14931941* +LENDUP CARD SERVICES INC, 237 KEARNY STREET, STE 197, SAN FRANCISCO CA 94108-4502
(address filed with court: Lendup Card Services, 225 Bush Street, Suite 1100,
San Francisco, CA 94104)
14931940* +Laboratory Corporation of America, c/o American Medical Collection Agency,
4 Westchester Plaza, Elmsford, NY 10523-1612
14931943* +Merrick Bank, P.O. Box 9201, Old Bethpage, NY 11804-9001
14931944* Pennsylvania Department of Revenue, Bankruptcy Division, PO Box 280946,
Harrisburg, PA 17128-0946
14968154* Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946
14931945* Verizon, 500 Technology Drive, Suite 550, Water Springs, MO 66304
14931946* +Victoria Secret/Comenity Bank, PO Box 182709, Columbus, OH 43218-2709

TOTALS: 0, * 28, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 16, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 14, 2019 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
akovalchick@attorneygeneral.gov
James Warmbrodt on behalf of Creditor Carrington Mortgage Services, LLC as servicer for
Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust A
bkgroup@kmlawgroup.com

District/off: 0315-2

User: jhel
Form ID: 149

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Kenneth Steidl on behalf of Debtor Jeffrey C. Killian julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com

Kenneth Steidl on behalf of Joint Debtor Angelic M. Killian julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste
inberg.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 6